

## CLAIM AMENDMENTS

It is respectfully requested that the claims be amended without prejudice, without admission, without surrender of subject matter, and without intention of creating any estoppel as to equivalents, as follows. This listing of claims will replace all prior versions, and listings, of claims in the application.

### Listing of Claims:

1(currently amended). A method of separating sperm cells, comprising:

obtaining semen from a male of a species of mammal which contains a plurality of sperm cells;

incubating said semen prior to staining ~~at a~~ to maintain temperature above which sperm cell membrane lipids transition from a liquid phase to gel phase of ~~at temperature~~ between ~~above~~ about 5°C 7 °C and about 25 °C;

staining said sperm cells with Hoechst 33342 stain ~~at temperature above the temperature at which sperm cells transition from a liquid phase to a gel phase~~ for a period of time of about 25 minutes to about 50 minutes;

determining a sex characteristic of a plurality of said sperm cells;

separating said plurality of sperm cells based upon said sex characteristic into an X chromosome bearing population and a Y chromosome bearing ~~populations~~ population; and

collecting at least one of said X chromosome bearing population and said Y chromosome bearing population.

2-4 (canceled).

5 (currently amended). A method of separating sperm cells as described in claim 1, wherein said temperature is selected from the group consisting of ~~about 5 °C, about 6 °C,~~ about 7° C, about 8° C, about 9° C, about 10° C, about 11° C, about 12° C, about 13° C, about 14° C, about 15° C, about 16° C, about 17° C, about 18° C, about 19° C, about 20° C, about 21° C, about 22° C, about

23° C, about 24° C, and about 25° C.

6 (original). A method of separating sperm cells as described in claim 1, wherein said species of mammal is selected from the group consisting of a bovine species of mammal, an equine species of mammal, an ovine species of mammal, a swine species of mammal, a canine species of mammal, a feline species of mammal, a deer species of mammal, an elk species of mammal, and a marine species of mammal.

7 (original), A method of separating sperm cells as described in claim 1, wherein said species of mammal comprises a bovine species and wherein said step of incubating said semen at a temperature above which sperm cell membrane lipids transition from a liquid phase to gel phase temperature comprises incubating said semen at a temperature between about 17° C and about 19° C.

8 (original), A method of separating sperm cells as described in claim 1, wherein said species of mammal comprises a bovine species and wherein said step of incubating said semen at a temperature above which sperm cell membrane lipids transition from a liquid phase to gel phase temperature comprises incubating said semen at a temperature of about 17° C.

9 (original). A method of separating sperm cells as described in claim 1, wherein said species of mammal comprises an equine species and wherein said step of incubating said semen at a temperature above which sperm cell membrane lipids transition from a liquid phase to gel phase temperature comprises incubating said semen at a temperature of about 15° C.

10 (original). A method of separating sperm cells as described in claim 1, wherein said step of incubating said semen at a temperature above which sperm cell membrane lipids transition from liquid phase to gel phase comprises incubating said semen at said temperature above which sperm cell membrane lipids transition from liquid phase to gel phase between about one hour to about 18 hours.

11(original). A method of separating sperm cells as described in claim 1, further comprising the step of transporting said semen from a first location to a second location during said step of

incubating said semen at a temperature above which sperm cell membrane lipids transition from a liquid phase to gel phase.

12 (original). A method of separating sperm cells as described in claim 1, further comprising the step of adding an antibacterial to said semen prior to said step of incubating said semen at a temperature above which sperm cell membrane lipids transition from a liquid phase to gel phase.

13-14. (canceled)

15 (previously presented). A method of separating sperm cells as described in claim 1, further comprising the step of extending semen with an extender.

16 (original). A method of separating sperm cells as described in claim 1, further comprising the step of concentrating said sperm cells by removing a portion of seminal plasma.

17 (canceled).

18 (previously presented). A method of separating sperm cells as described in claim 1, wherein said step of staining said sperm cells comprises staining DNA contained within said sperm cells.

19-20. (canceled)

21 (original). A method of separating sperm cells as described in claim 1, wherein said step of separating said sperm cells based upon said sperm cell characteristic comprises separating said sperm cells using an instrument selected from the group consisting of a flow cytometer, and a cell sorter.

22-149. (canceled)

150 (previously presented). A method of separating sperm cells as described in claim 15 wherein said extender is selected from a group consisting of Tyrode's-based skim milk-glucose extender, and Kenney modified Tyrodes.

151 (previously presented). A method of separating sperm cells as described in claim 1 and further comprising the step of adding caffeine to said semen.

152-153 (canceled).

154 (previously presented). A method of separating sperm cells as described in claim 1 and further comprising the step of providing a pH of a stain solution between about 7.2 pH to about 8.0 pH.

155 (previously presented). A method of separating sperm cells as described in claim 1 wherein said step of staining said sperm cells with Hoechst 33342 stain for a period of 30 minutes comprises staining said sperm cells with 12.4  $\mu$ L Hoechst at a pH of 7.9 for a period of 30 minutes.